

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
SOUTHERN DIVISION**

**R. BRIAN JONES,**

*Plaintiff,*

v.

**STATE FARM MUTUAL  
AUTOMOBILE INSURANCE  
COMPANY,**

*Defendant.*

**CASE NO. 1:08-CV-29**

**PLAINTIFF'S REPLY TO DEFENDANT'S RESPONSE  
TO PLAINTIFF'S  
MOTION TO REMAND TO STATE COURT**

**COMES NOW**, Plaintiff, R. Brian Jones, by and through counsel and hereby files this Reply to Defendant's Response to Plaintiff's Motion to Remand to State Court by stating as follows:

1. Plaintiff further stipulates that the amount in controversy in the present action does not and shall not exceed \$75,000.00 including compensatory and punitive damages and under no circumstances shall he seek nor accept more than \$75,000.00 even if a jury verdict exceeds said amount.

2. Plaintiff has attached as Exhibit "A" an Affidavit in Support of Motion to Remand to State Court further evidencing his stipulation noted above.

3. Based upon this further additional stipulation made by Plaintiff, Plaintiff's Motion to Remand to State Court should be granted thereby remanding this action back to the Circuit Court of Houston County, Alabama for prosecution therein.

**WHEREFORE**, all premises considered, Plaintiff requests this Court to grant the previously filed Motion to Remand to State Court.

**PRIM, FREEMAN & MENDHEIM**

/s/ R. Cliff Mendheim

---

R. Cliff Mendheim (MEN008)

Attorney for Plaintiff

P. O. Box 2147

Dothan, AL 36302

Email: [rcliff@pfm-law.com](mailto:rcliff@pfm-law.com)

Telephone: 334-671-9555

Facsimile: 334-671-9615

**CERTIFICATE OF SERVICE**

I hereby certify that on April 15, 2008 I electronically filed the foregoing with the Clerk of Court using the CM/ECF system which will send notification of such filing to all counsel of record as follows:

Michael S. Jackson, Esq.

Attorney for Defendant

P.O. Box 1988

Montgomery, AL 36102-1988

/s/ R. Cliff Mendheim

---

Of Counsel

# EXHIBIT “A”

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
SOUTHERN DIVISION**

**R. BRIAN JONES,**

*Plaintiff,*

v.

**STATE FARM MUTUAL  
AUTOMOBILE INSURANCE  
COMPANY,**

*Defendant.*

**CASE NO. 1:08-CV-29**

**AFFIDAVIT IN SUPPORT OF  
MOTION TO REMAND TO STATE COURT**

Before me, the undersigned, a Notary Public in and for said County and State, personally appeared, **R. BRIAN JONES**, who is known to me and who, after being first duly sworn by me, deposes and says as follows:

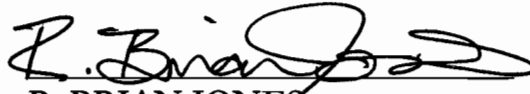
My name is **R. BRIAN JONES** and I am the Plaintiff in the present action. I reside in Dothan, Houston County, Alabama and I have personal knowledge of the things and matters set forth in this affidavit and I make the same in support of the Motion to Remand to State Court previously filed by my attorney.

I understand that Defendant, State Farm Mutual Automobile Insurance Company, has removed this action to the jurisdiction of the United States District Court for the Middle District of Alabama Southern Division based in part upon the jurisdictional amount in controversy exceeding \$75,000.00. However, I hereby stipulate that the amount in controversy in the present action does not and shall not exceed \$75,000.00 including compensatory and punitive damages and that under no circumstances shall I seek nor accept

more than \$75,000.00 even if a jury verdict exceeds that amount.

Further, the Affiant saith not.

Dated this 15<sup>th</sup> day of April, 2008.

  
R. BRIAN JONES  
Affiant

Sworn to and subscribed before me on this the 15<sup>th</sup> day of April, 2008.

  
NOTARY PUBLIC  
(SEAL)

My Commission Expires:

3-14-2011

